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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,372	10/26/2001	Bernard Grehant	2.M815.1	8719

7590

04/23/2003

Bugnion S A  
10 Route de Florissant  
Case 375  
Geneva 12, 1211  
SWITZERLAND

EXAMINER

JONES, JUDSON

ART UNIT

PAPER NUMBER

2834

DATE MAILED: 04/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

### Office Action Summary

Application No.

10/030,372

Applicant(s)

GREHANT, BERNARD

Examiner

Judson H Jones

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 13 is/are rejected.
- 7) ☒ Claim(s) 2-12 and 14-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 0302.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The preamble of the claim recites a linear motor comprising a moving rig having elements but also inserts into the claim references to things other than the moving rig. For example, the stator tube is not a part of the moving rig and the control circuit seems not to be placed on the moving rig. All elements that are not a part of the moving rig should be placed in a separate subsection of the claim. Also in line 6 of claim 1 Applicant recites "a guidance stator tube." In line 13 reference is made to "a guidance tube." For clarity this should be either "said guidance tube" to make clear the tube is the same one as introduced earlier "a second guidance tube" to make clear the tube is not the one introduced earlier.

Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This claim recites "the magnet flux in the winding is mainly fed by the first magnet in a first relative position ... and ... by the second part in a second relative position." This language is misleading. The magnet flux in the winding is created by current flowing through the winding. On page 13 of the specification Applicant used the language "the coil of phase P1 is, ideally, completely traversed by the flux of the South magnets." It is suggested that Applicant use the word "traversed" in place of the word "fed" in claim 13.

*Allowable Subject Matter*

Claims 1 and 13 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Claims 2-12 and 14-20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record does not disclose or teach a linear motor having at least two field coils, a guidance tube of amagnetic material having magnetic poles, at least two permanent magnets magnetized in opposite directions transverse to the guidance tube and where the dimensions of the magnets as measured along their magnetic axis is chosen so as to create narrow gaps to allow movement of the magnets past the stator poles as recited in claim 1. The prior art of record does not disclose or teach a linear motor comprising an active part with a winding and two magnets combined with a passive part with a non-magnetic rail and a plurality of ferromagnetic tiles where the winding is traversed by the magnetic flux from the first magnet in one position and traversed by magnetic flux from the second magnet in a second position as recited in claim 13. Pinkerton et al. discloses a movable member having first and second magnets as shown in figure 1. McKee et al. teaches in column 1 lines 36-45 making stators and rotors from non-magnetic material. However no reason has been found for combining a non-magnetic stator as taught by McKee et al. with the movable member of Pinkerton to create the device as recited in claim 1. As shown in figure 1 of Pinkerton, coil 17 that opposes the two magnets is always either opposite

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both magnets or opposite neither of them. Thus the device of Pinkerton et al. does not meet the language of claim 13.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Judson H Jones whose telephone number is 703-308-0115. The examiner can normally be reached on 8-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on 703-308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3431 for regular communications and 703-305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

JHJ  
April 11, 2003

